

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JOSEPH ATUANA, and
AYODELE ADENIRAN,

Defendants.

SEALED SUPERSEDING
INDICTMENT

S1 16 Cr. 672

COUNT ONE

(Conspiracy to Commit Bank and Wire Fraud—Account Takeover Scheme)

The Grand Jury charges:

1. From at least in or about April 2012 through at least in or about September 2016, in the Southern District of New York and elsewhere, JOSEPH ATUANA and AYODELE ADENIRAN, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343, and bank fraud, in violation of Title 18, United States Code, Section 1344.

2. It was a part and object of the conspiracy that JOSEPH ATUANA and AYODELE ADENIRAN, the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent

pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

3. It was further a part and object of the conspiracy that JOSEPH ATUANA and AYODELE ADENIRAN, the defendants, and others known and unknown, willfully and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Conspiracy to Commit Bank and Wire Fraud—Email Spoofing Scheme)

The Grand Jury further charges:

4. From at least in or about February 2014 through at least in or about June 2015, in the Southern District of New York and elsewhere, JOSEPH ATUANA and AYODELE ADENIRAN, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343, and bank fraud, in violation of Title 18, United States Code, Section 1344.

5. It was a part and object of the conspiracy that JOSEPH ATUANA and AYODELE ADENIRAN, the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

6. It was further a part and object of the conspiracy that JOSEPH ATUANA and AYODELE ADENIRAN, the defendants, and others known and unknown, willfully and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

(Title 18, United States Code, Section 1349.)

COUNT THREE

(Aggravated Identity Theft)

The Grand Jury further charges:

7. From at least in or about April 2012 through at least in or about September 2016, in the Southern District of New York and elsewhere, JOSEPH ATUANA and AYODELE ADENIRAN, the defendants, and others known and unknown, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, ATUANA and ADENIRAN, and others known

and unknown, possessed and used the names and personal information of others to fraudulently obtain funds from bank accounts, in connection with the offenses charged in Counts One and Two of this Indictment.

(Title 18, United States Code, Sections 1028A and 2.)

COUNT FOUR

(Conspiracy to Commit Money Laundering)

The Grand Jury further charges:

8. From at least in or about April 2012 through at least in or about September 2016, in the Southern District of New York and elsewhere, JOSEPH ATUANA and AYODELE ADENIRAN, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 1956(a)(1)(B)(i).

9. It was a part and object of the conspiracy that JOSEPH ATUANA and AYODELE ADENIRAN, the defendants, and others known and unknown, in an offense involving and affecting interstate and foreign commerce, knowing that the property involved in financial transactions, to wit, the transfer of thousands of dollars in United States currency, represented the proceeds of some form of unlawful activity, willfully and knowingly would and did conduct and attempt to conduct such

financial transactions which in fact involved proceeds of specified unlawful activity, to wit, the proceeds of bank and wire fraud, with the intent to promote the carrying on of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

10. It was further a part and object of the conspiracy that JOSEPH ATUANA and AYODELE ADENIRAN, the defendants, and others known and unknown, in an offense involving and affecting interstate and foreign commerce, knowing that the property involved in certain financial transactions, to wit, the transfer of thousands of dollars in United States Currency, represented the proceeds of some form of unlawful activity, and knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, would and did conduct and attempt to conduct such financial transactions, which in fact involved the proceeds of a specified unlawful activity, to wit the proceeds of bank and wire fraud, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

Overt Acts

11. In order to further the money-laundering conspiracy and effect the illegal objects thereof, the following overt acts were committed in the Southern District of New York:

a. In or about January 2014, JOSEPH ATUANA, the defendant, opened a business account at a branch of PNC Bank, located in Manhattan, New York, which was used to fraudulently obtain funds from victims, and to send those funds to bank accounts controlled by co-conspirators.

b. In or about November 2015, AYODELE ADENIRAN, the defendant, deposited approximately \$15,850 of fraudulently-obtained funds from a victim into a bank account belonging to ADENIRAN, in Manhattan, New York.

(Title 18, United States Code, Section 1956(h).)

FORFEITURE ALLEGATION

12. As a result of committing the offenses alleged in Counts One, Two, and Four of this Indictment, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(A) and 982(a)(1), any and all property constituting or derived from, proceeds obtained directly or indirectly, as a result of the commission of said offenses, and any and all personal property used or intended to

be used to commit said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

SUBSTITUTE ASSET PROVISION

13. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

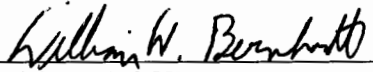
d. has been substantially diminished in value;
or

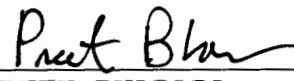
e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property

of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Section 982; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)


FOREPERSON


PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(18 U.S.C. §§ 1349, 1028A, 1956(h) and
2.)

PREET BHARARA

United States Attorney

William W. Bernhardt

Foreperson

SEAL
TRUE BILL / ARREST WARRANT / SUPERSEDING
INDICTMENT
MAG JUDGE RONALD L. ELLIS
10/7/16 *[Signature]*